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Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Association Miraisme International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02533(E)

Please recycle

Human rights of children in armed conflict and sustainable development

"What we give to children, they will give to society"
(Menninger)

On 20 November 1989, the Convention on 'the Rights of the Child' was adopted in order to oblige all signatory states to establish a genuine framework for protection of children's rights. Specifically, Article 6.2 states that: "States shall ensure, to the maximum extent possible, the survival and development of the child". More than two decades have passed since then and could we say now that countries have made every effort to ensure the survival and development of children? Could these children really grow in safe environments without experiencing fear for their life or their future?

If we analyse how the war in Syria has developed, a territory where death and destruction mark the lives of many people, and also locks the future of those who survive, especially children, the lack of protection of these children is complex. However, Syria is not only the territory where this lack of protection of children's lives takes place. Indeed, UNICEF highlights that: "every five minutes somewhere in the world, a child dies as a result of violence"[1]

Child trafficking also seriously violates the rights and dignity of children. In this sense, child labor continues to have repercussions today, employing about 250 million children[2], most enduring deplorable conditions far from any guarantee or insurance coverage. Not only that, but also prevents them from having an integral development, since many of them have no access to basic education or basic health care. The international sale of children also contributes to their being used to beg in the streets, getting forced marriages, work as domestic workers and having their organs trafficked.

Their recruitment by terrorist groups, paramilitary or guerrilla is also common, being described by the International Criminal Court as a war crime[3] whether his enlistment is forced or voluntary, as in the latter case, children resort to this as an exit door from poverty or to find a haven in the midst of war. In addition to suffer sexual abuse and serve in combat, often they are subject to beatings and assaults, and have even been used as 'children bomb'.

In Colombia, children who are recruited by groups outside the law, e.g. guerrilla, come mostly from poor families without access to basic rights, and have been surrounded by violence and insecurities, so they are enticed by promises of a better life by such groups. Many of them come from families that have links with armed groups or whose family environment is synonymous with physical and psychological treatment. They all have in common vulnerability, which is exploited by such groups outside the law and although they have joined voluntarily, they do not have the same freedom if they want to defect. Even when they do not join any armed band, their integrity remains at risk because other reasons linked to war including displacement, orphaning, crossfire, reprisals and kidnapping among others.

The lives of these children in the midst of armed conflict is subjected to degrading conditions that leave scarfs which are difficult to overcome. There are just a few who are lucky enough to get away from that scenario and live a normal

[1] UNICEF. Now you see it. Retrieved February 7, 2016 to: http://www.unicef.org.ec/ahoraqueloves/#

[2] HUMANIUM. *Child labor in the word*. Retrieved February 7, 2016 to: http://www.humanium.org/es/trabajo-infantil/

[3] Office of the Special Representative of the Secretary -General for Children and Armed Conflict . Role of the International Criminal Court. Retrieved February 7, 2016 to: https://childrenandarmedconflict.un.org/es/nuestro-trabajo/tribunales-internacionales/

life. Most of them, on the contrary, are marked with the traces of the war, being the psychologicals the most painful ones, which eventually might turn into aggressive, antisocial behavior and emotional disorders.

It should be noted, however, that during the peace negotiations that are taking place in Cuba in November 2015, the FARC agreed to end the recruitment of children under 18 as well as free children in their ranks under 15 and collaborate with their reintegration[4].

In addition to the armed conflict, lack of opportunities and the absence of a minimum quality of life make many children end up in poverty, crime, drug trafficking and prostitution. Thus, for instance, children gunmen claim that they are forced to kill for money because it is the only way they can support their families.

Protecting our children is not only a duty, but also a shared obligation by the governments and society. Guaranteeing a decent life, access to quality education, adequacy of resources and equal opportunities is essential to combat poverty and allow the construction of their future. To make this possible, it is necessary to take into account the best interests of children under the design of policies and strategies aimed to procure their wellbeing, accompanied by access to decent and stable work for their parents, which allows them meet the needs of your family and keeps them away from the risk of social exclusion.

Although children are characterized by their strength and resilience, it is essential to support them in all aspects, especially in the psychological, for their fully and effectively social reintegration, saving them from any markings or value judgment that can direct against and isolated from society. In addition, your personal and professional development, and overall the whole community must be founded on the principles of respect for human dignity, fundamental freedoms and human rights. Only with the commitment of the entire country and the international community at large, it is feasible to achieve this goal. If necessary, we must bring to memory every day that war, our children are the most innocent and yet are the ones who suffer most. In his short life cannot understand the why or wherefore of conflicts but were loading guns, bombs and guns. They dream of making friends and playing with them, but are forced to torture, murder and live bloodstained. Need to develop fully as individuals, but lack of opportunity and the necessary means. Crave love, but, instead, they are indifference.

Thus, we propose to analyse in depth those communities threatened by groups outside the law, drug trafficking, prostitution and high levels of violence in order to continuously monitor on knowledge, application and respect of human rights. Linked to this, the establishment of an education in values that inculcate the content and outreach of the Convention for children's rights, and at the same time, the importance of letting your superiors this situation. Such education should be both institutional and familiar.

Ensuring support to the injured, threatened and displaced population is vital to achieving its full reintegration, and for this it is necessary both governmental and social participation in the deployment of plans to combat poverty and improve the living conditions of these children through training on employability and entrepreneurship and creating jobs that provide economic stability. Similarly, it is necessary to support and strengthen organizations committed to developing equitable access to opportunities, creating spaces for dialogue, with the participation of the community, as to provide full access to justice, and the effective mechanisms of judicial and police protection, and on the usefulness of the strategies implemented for the rehabilitation and prevention of violence and social exclusion.

All the above should be accompanied by a national and / or internationally monitoring process on the progress and periodic accountability as a basis for the implementation of future programs.

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[4] Office of the Special Representative of the Secretary-General for Children and Armed Conflict. Colombia: UN Special Representative welcomes the commitment of the FARC-EP to stop child recruitment. Retrieved February 7, 2016 to: https://childrenandarmedconflict.un.org/es/compromiso-farc-detener-reclutamiento-ninos/

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Association Miraisme International, a non-governmental organization in special consultative status

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Please recycle

Education about religion as a means to strengthen tolerance and respect

As contained in the report of the Special Rapporteur on Freedom of Religion or Belief of last December 2015[1], on many occasions when meditating upon the reconciliation between freedom of religion and freedom of expression no lines are identified harmonizing these two fundamental rights.

The skepticism mentioned by the Special Rapporteur Heiner Bielefeldt is caused by a lack of understanding among different social spheres who believe that freedom of expression must come before freedom of religion or vice versa. This historic debate today is at the point of greatest conflict, due to globalization and increased migration. It is necessary, therefore, to discuss possible solutions that harmonize the two rights in the short, medium and long term.

As detailed in the same report[2] : 'the positive relationship between freedom of religion or belief and freedom of expression is not just a theoretical postulate" because 'holders of rights are human beings who can exercise these freedoms individually or in community' Thus, it is considered that both believers of different religious communities and non-believers can freely express their thoughts and ideologies.

Analyzed in this way, the gap that apparently separates the two rights is shortened, leaving only pending to determine the limit on their exercise: understanding that the use of these two types of freedom to attack human dignity is a borderline that must be considered not only when manifesting dogmas but also when expressing negative opinions about the different religious communities and beliefs. That is, the value of human dignity is the factor that defines the limit of the expression of faith and also of any opinion on religious communities.

The absolute value of the human being as the bearer of inalienable rights is a term that should be developed and internalized by members of all societies and especially those in which the plurality is wider. Thus, the internalization of the value of human beings and human dignity could allow communities to move towards coexistence with respect.

Often intolerance and negative stereotypes comes from cultural ignorance and lack of knowledge of the other. The absence of accurate information about others and distorted references that media and social networks might offer, are elements that lead to the promotion of discriminatory and hostile attitudes against those considered different.

For this reason we consider that education plays a vital role in building tolerant and inclusive societies. Education, as a means to internalize the human dignity of others, starting from the knowledge of their history, culture and religion becomes a mechanism for the defense and promotion of human rights. This was considered by UNESCO when stating that: "there are a number of groups around the world who have spoken of the need to teach the different religions in each nation to better understand and overcome the intolerance that ignorance might bring "[2].
In the same way, such an idea was reflected in the report by the Special Rapporteur on Minority Issues presented last January 5 (2015)[3]. In such a report Rita Izsak highlights the role of education in 'promoting intercultural understanding, mutual respect and tolerance between groups' of different communities. Therefore, it is considered that: 'Education in human rights should be an important part of school curricula, which should also include the history, culture and traditions of minority groups as well as its important contribution to the enrichment of our societies'.

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[1]Report of the Special Rapporteur on Freedom of Religion and Freedom of Expression . Retrieved February 6, 2016 from: http://daccess-ods.un.org/TMP/5109708.90522003.html

[2] Tolerance as the threshold of peace. United Nations, organization for Education, Science and Culture. France.

[3]Report of the Special Rapporteur on Minority Issues. Retrieved February 6, 2016 from: http://www.refworld.org/pdfid/550829174.pdf

The introduction of this type of content in the curricula of schools could bring different types of benefits for the community and for the students, including:

a) Reduction of social conflicts that occur due to cultural, ideological and religious differences,
b) Fewer hate speeches and therefore fewer cases of harassment of minorities and especially towards religious minorities,
c) Better understanding between communities with different beliefs,
d) Humanization of each individual, who will then be treated as equals and with equal rights, regardless of their exercise of freedom of religion or belief,
e) Respect for human rights in different areas: social, work, school, family, etc.

It has been observed that in some communities, particularly in those where there is a majority religious community, stigmatization and religious persecution is generated from nuclear families: it is the members of the families of persons belonging to a minority religious who first reject any dogma or religious belief different from those profess by most of the family.

For some, it is a great challenge to live with multi-denominational issues within their families, this being a shock and almost a break in family bonds. Therefore, it is necessary to teach that all humans need to recognize the great influence, both at a personal and social level that religion has in the life of a person without that involving contempt by others, as education is linked to respect for freedom and human dignity.

As noted, the importance of understanding religious diversity is increasing these days, given that only through knowing the other one could come to understand his reality and way of thinking. Thus, the development of tolerance, empathy, and respect, among others, must go hand in hand with curricula that promote these values.

According to the above, we propose here to include the study of different religions in educational programs, in the same way that different philosophical, political and artistic movements are studied; revealing their history, geographical position, customs and general principles, encouraging the active participation of the different religions in the elaboration of curricula.

Knowledge about different religions brings together students from diverse and distant cultural dimensions, thus expanding their ability to understand the global reality in which they live and the different individuals that belong to such reality. That will ultimately contribute to personal growth and the construction of harmonic societies.

Full compliance with the rights of the individual is achieved as long as their individual rights are protected effectively and in a way that all citizens enjoy their rights thus promoting tolerance and coexistence with respect.

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Commission of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Southeast Asia Regional Conference on Freedom of Religion or Belief, and violations in Brunei Darussalam

The International Commission of Jurists (ICJ) welcomes the report of the Special Rapporteur on freedom of religion or belief especially his analysis of the interaction between the rights to freedom of religion or belief and the right to freedom of opinion and expression.

The ICJ also wishes to recognise the Special Rapporteur's active participation at the Regional Conference on Freedom of Religion or Belief in Southeast Asia, which was organized by the ICJ in collaboration with the Asian Forum for Human Rights and Development (FORUM-ASIA) and Boat People-SOS (BPSOS) in Bangkok, Thailand, 30 September to 1 October 2015.

This event was attended by about 70 representatives from civil society organizations, religious groups, national human rights institutions, the ASEAN Intergovernmental Commission on Human Rights (AICHR), the ASEAN Commission on the Promotion and Protection of Rights of Women and Children (ACWC), and relevant UN agencies.

The conference served as a platform to identify challenges to religious freedom in the region, share best practices, as well as brainstorm ideas on overcoming obstacles and addressing violations related to state control, regulation of religion, and extreme interpretations of religion.

The participation of the Special Rapporteur was key to the fruitful dialogue among multi-stakeholders and, most importantly, to the achievement of consensus regarding the need to advance freedom of religion or belief in the region. In this context, participants agreed on the adoption of the *Declaration on Freedom of Religion or Belief in Southeast Asia*. Through this document, participants expressed their commitment to working to enhance the right to freedom of religion or belief, while recognising the universal, inalienable and non-derogable nature of the right.[1]

The ICJ appreciates the Special Rapporteur's exposition in his report on the external dimension of freedom of religion or belief, the *forum externum*, which is the manifestation of one's religion or belief. The manifestation of one's religion or belief, as mentioned in the report, covers a wide range of activities, including "celebrating religious holidays."[2]

As the Special Rapporteur mentioned in his report, the *forum externum* of freedom of religion or belief is not protected unconditionally but its legal protection remains strong.[3] Indeed, this dimension of freedom of religion or belief is subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others; discrimination on grounds of religion is prohibited in all circumstances.[4]

Nevertheless, religious communities of all faiths continue to face unlawful limitations of their freedom to manifest religion or belief in various countries around the world. In December 2015, for example, the Ministry of Religious Affairs of Brunei Darussalam announced a ban on all public celebrations of Christmas.[5]

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[1] The Conference Declaration was based on the Charter for Freedom of Religion or Belief and the New York Resolution for Freedom of Religion or Belief of the International Panel of Parliaments for Freedom of Religion or Belief (IPPFORB). The text of the Declaration as well as the names of the individuals and organizations who endorsed it is available at http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2016/01/South-East-Asia-Declration-Freedom-of-religion-Advocacy-2016-ENG.pdf

[2] Report of the Special Rapporteur on freedom of religion or belief, UN Doc A/HRC/31/18 (23 December 2015), para. 21.

[3] *Ibid.* at para. 25.

[4] E.g., International Covenant on Civil and Political Rights, article 18(3) as well as articles 2(1), 4(1), 26 and 27; Human Rights Council resolutions 28/8 and 28/29 (2015).

[5] Azlan Othman, "Muslims prohibited from celebrating Christmas: Imams", *Borneo Bulletin*, 5 December 2015, available at http://borneobulletin.com.bn/muslims-prohibited-from-celebrating-christmas-imams/

The prohibited activities included making Christmas trees and singing religious songs, sending Christmas greetings, putting up decorations and having nativity plays, creating sounds and, in general, doing anything that would amount to respecting Christianity.[6]

The Government of Brunei imposed a ban on public Christmas celebrations for the first time in 2014. The Ministry of Religious Affairs issued a press release in 2014 saying that wearing Christmas related clothing and openly displaying festivities of religions other than Islam violate section 207 (1) and section 209(1) of the Syariah Penal Code 2013.[7] The Government of Brunei justified these restrictions by saying that following non-Islamic celebrations like Christmas "could lead to *tasyabbuh* (imitation) and could unknowingly damage the *aqidah* (faith) of Muslims".[8]

Under section 207 (1) of the Syariah Penal Code, any Muslim who "teaches or expounds any doctrine relating to the religion of Islam in a manner contrary to *Hukum Syara'*"[9] or "teaches, expounds any doctrine or carries out, performs, or practices a ceremony or act contrary to *Hukum Syara'*" may be penalized with a fine not exceeding BND$20,000 (approximately US$14,081), imprisonment for a term not exceeding five years, or both.

Under section 209 (1) of the Syariah Penal Code, any person "who propagates" religions other than Islam to a Muslim or a person having no religion is guilty of an offence. He or she shall be penalized with a fine with an amount not exceeding BND$20,000 (approximately US$14,081), imprisoned for a period not exceeding five years, or both.

The ICJ considers these restrictions on public celebrations of Christmas and the criminal law provisions used as basis for these restrictions incompatible with international human rights law and standards. They cannot be justified on any of the grounds for limitations permitted by international law and standards. They blatantly and explicitly discriminate on the basis of religion.[10]

As the Special Rapporteur has underlined, limitations on the freedom to manifest a religion or belief must be based on principles not deriving only from a single tradition.[11] This is clearly not the case for sections 207(1) and 209(1) of the Syariah Penal Code 2013 and the ban imposed by the Ministry of Religious Affairs on public celebrations of Christmas because the sole basis of these restrictions is the Islamic faith.

The ICJ has previously stated that limiting the public display of festivities of religions other than Islam and threatening to prosecute under the Syariah Penal Code those who commit such acts, may encourage religious intolerance among the people living in Brunei.[12]

The Special Rapporteur expressed in his 2012 report that creating obstacles against religious rituals or ceremonies as well as imposing criminal sanctions upon persons who do not practice or identify themselves with the predominant religious tradition constitute violations to the right to freedom of religion or belief.[13] Furthermore, he also pointed out in his previous report that the adoption of anti-proselytism provisions such as the ones mentioned above increases the likelihood of harassment of those belonging to religious minorities.[14]

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[6] *Ibid.*

[7] Press release from the Ministry of Religious Affairs, *Brunei Times*, 27 December 2014, available at http://www.bt.com.bn/bookmarks-breaking/2014/12/27/just-mora-issues-statement-christmas-celebrations-brunei

[8] Press release from the Ministry of Religious Affairs, *Brunei Times*, 27 December 2014, available at http://www.bt.com.bn/bookmarks-breaking/2014/12/27/just-mora-issues-statement-christmas-celebrations-brunei

[9] The term Hukum Syara' means the laws of any sect which the Syariah Court considers valid.

[10] Section 207(1), at least, also introduces considerable ambiguity and vagueness which may be incompatible with the requirement that any restrictions of rights, particularly of a criminal character, must be sufficiently precise to qualify as "prescribed by law".

[11] *Ibid* at para. 28.

[12] International Commission of Jurists, Submission to the UN Committee on the Rights of the Child, for the preparation of the list of issues to be considered during the examination of the second and third periodic reports of Brunei Darussalam, 10 April 2015, para. 28.

[13] Report of the UN Special Rapporteur on freedom of religion or belief, UN Doc. A/HRC/22/51 (2012), paras. 49 and 53.

[14] Report of the Special Rapporteur on freedom of religion or belief, UN Doc A/HRC/28/66 (2014) para. 35.

Against this background, the ICJ calls on the Special Rapporteur to monitor closely the situation of freedom of religion or belief in Brunei Darussalam especially in relation to the country's religious minorities, and to request the State to extend an invitation to his mandate to undertake a mission to the country.

The ICJ encourages the Government of Brunei to implement measures recommended by the Special Rapporteur in his report, such as providing safe spaces for interreligious dialogue or allowing public discussions on religious issues in order to promote freedom of religion or belief in the country.[15]

Finally, the ICJ calls on the Government of Brunei to eliminate the restrictions imposed for celebrating non-Muslim festivities. The State must ensure that everyone, regardless of his or her faith, is allowed to practice and follow the customs associated to his or her religion or belief, both in public and in private.

[15] Report of the Special Rapporteur on freedom of religion or belief, UN Doc A/HRC/31/18 (2015), paras. 39 to 49.

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Written statement* submitted by the Hazrat Javad-al-Aemeh Cultural Charity Institute, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

The Effect of International Sanctions on Economic Situation of Iranian Society

Hazrat Javad-Al-Aemeh Cultural Charity Institute, with more than twenty years of experience in Educational, Cul and Charitable fields, and now covering services to more than 4500 pre-school to senior high school students and 4 university students, always works towards improving social-humanitarian index to accomplish supreme goals of institute such as Human Dignity, Self-Confidence, Self-Esteem, Continuous Research, Innovation & Improvement the Promotion of Charity Spirit, in the society.

In recent years, especially since 2012 when sanctions became more severe on Iran, humanitarian and social index seriously affected in the country, and people and society were the main victim of this international po Considering its goals and outlook, Javad-Al-Aemeh Institute, feels necessity of reflecting this situation on internati scene, and be the voice of its society and people on defending human and social rights, to play its role non-governmental organization.

According to World Bank Statistics, the rank of Iran in the Ease of Doing Business, during 2010 to 2015, experie descending trend, and its sudden drop in 2012 is consistent to more severe sanctions in the same year. Again, in 2 that negotiations between Iran and P5+1 improved, and some sanctions lifted from the shoulders of the people in country, the rank of Iran in Doing Business improved tangibly. The mentioned improvement, verifies the hypoth that international sanctions have affected Iranian Doing Business, strongly.

Table.1

Year	2010	2011		2013	2014	
Rank of Iran/Total	121/183	129/183		145/185	152/189	

On the other hand, Islamic Parliament Research Centre has assessed Doing Business in Iran since 2010, whic accomplished by 281 economic unions all over the country. The unions did the assessment by 29 justified indicato National Doing Business Environment, and thus clarified the rank of most effective indicators. According to this re in addition to unfavourable outcome (5.87 of 10) which still existed in spring 2015, **international sanctions** determined the third unpleasant indicator. Since 2010 up until now, the worst average was related to summer 2 when the sanctions became more severe. At the same time, 12% of participating unions believed that nuclear agree would not affect their enterprise in short term, while almost 77% believed it would affect their business in short tern The direct impact of worsening situation of Doing Business in Iran during these years was: 1.low and nega economic growth, 2.ascending unemployment rate, 3.increasing immigration of graduates and 4.increasing population below poverty line. All these consequences imply that sanctions have disturbed the ordinary life of peop Iran.

In the following, the data of economic growth, unemployment rate, immigration of graduates and the population be the poverty line, have been classified, according to World Bank Reports.

Table.2

Year	2010	2011		2013	2014	2015
Economic Growth Rate	6.6%	3.9%		-1.9%	1.5%	2.2%

Table.3

Year	2010	2011	2012	2013	2014	2015
Unemployment Rate	13.5%	12.3%	12.2%	10.4%	11.6%	12.2%

The data of unemployment rate has been driven from official statistics, while the informal data assess it up to 20% in Iran. Even the rate is 20.3% and 24% among women and youth consequently, which is recognized as the main reason of high immigration rate.
Annually, around 150 thousand university graduates leave the country. It is possibly because, almost 700 thousand work forces enter the market of Iran, whereas the job opportunities in the country during sanction era has been less than 200 thousand, yearly.
Based on World Bank Statistics in 2005, the population living in poverty, estimated 1.45%, but when the poverty line reached to $2.5 and $3.5 consequently, around 4 to 6% of the whole population in Iran lives below poverty line by now. Thus, the statistics show how much Iranian people are vulnerable against the fluctuations of economic situation, currency rate, rising cost of essential commodities. In other words, imposing sanctions which is applied by International entities, affects people lives more than everything, and deprive them from primary rights. Even, Secretary General of the United Nations, Ban Ki-moon, in the report to the U.N. General Assembly released on Aug 22, 2012, mentioned: "the sanctions imposed on the Islamic Republic of Iran, have had significant effects on the general population."
Reuters news agency quoted Ban Ki-moon: "the sanctions imposed on the Islamic Republic of Iran, have had significant effects on the general population, including an escalation in inflation, a rise in commodities and energy costs, an increase in the rate of unemployment and a shortage of necessary items, including medicine. The sanctions also appear to be affecting humanitarian operations in the country."

What this report tries to highlight is the issue that, imposing sanctions as a main and prevalent tools which International entities and actors apply to widespread justice and human right principals, according to article 1 of the United Nations Charter, is operating against Human Rights. According to article 3 of the Declaration of Human Rights, everyone has the right of life, liberty and security, whilst the assessment of economic situation of Iran in the sanction era, clearly indicated the consequences in the shape of poverty and unemployment which gradually provoke insecurity in the society, widely.
Therefore, if the United Nations and its agencies tend to move towards the U.N. Charter, and implement Sustainable Development Goals such as End Poverty in All its Shapes Everywhere, imposing sanctions is a failing rule. It is essential that changing this rule is placed on the agenda of HRC as an entity supporting Human Rights.

Department of Public & International Relations Affairs
Hazrat Javad-Al-Aemeh Cultural Charity Institute
Yazd, Yazd, Iran
Postal Code: 8915878315
www.cjcf.org
Tel: +98-3538239709
Fax: +98-3538239717

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1. Nicholas, Michelle and Charbonneau, Louis, "U.N. chief says sanctions on Iran affecting its people", Reuters News Agency, Politics, 5 October 2012.

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Written statement* submitted by Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status

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Please recycle

The Non-Recognition of the Turkish Minority of Western Thrace in Greece and the Limitations on the Right to Association of the Turkish Minority of Western Thrace in Greece

The principle of non-discrimination including is enshrined in the Universal Declaration of Human Rights and all other international human rights documents. The Eight Session of the UN Forum on Minority Issues on "Minorities in the Criminal Justice System" on 24-25 November 2015 has discussed the problems that minorities face in the justice system and recommended that an effective and responsive criminal justice system must, at the front end, combat social, economic, political disadvantage of minorities and that States, in this regards, should consider taking special measures for minority groups.

The restrictions and limitations on the right to freedom of association prevent minority groups to express and maintain their own characteristics and identities in the countries they live in. This would harm diversity in society and lead social segregation, exclusion and marginalization of minority groups.

Greece does not subscribe to the right of any group to self-identification on a collective basis. Greece only recognizes a "Muslim minority in Thrace"[1] and denies the existence of an ethnic Turkish minority in Western Thrace. Although some other groups are recognized and even welcomed and supported by Greek authorities, there are currently no associations in Greece operating legally with their names including the word "Turkish", which reflect the ethnic or national identity of their members. The Greek government declared in 1983 that there were no Turks in Greece and claimed that the members of Muslim minority are Greek Muslims. Xanthi Turkish Union, Komotini Turkish Youth Union and Western Thrace Turkish Teachers' Union were dissolved in 1986 by local courts and the Supreme Court decided the dissolution of the associations on the ground that the word "Turkish" referred to citizens of Turkey and could not be used to describe citizens of Greece.

On 18 February 2009, the report of the former Independent Expert on Minority Issues, Gay McDougall, following her mission to Greece on 8-16 September 2008, stated that "The absence of formal recognition by the state of a particular societal group as constituting "a minority" is not conclusive", and continued that "Rather, the existence of a group to which a state owes minority protections is a matter of objective facts and exercise of the right of self-identification by persons belonging to the group". The former independent expert urged Greece to protect the right to self-identification and the freedoms of expression and association of minority communities.2

The government continues to place legal restrictions on the names of associations that include the word "Turkish". There are three cases which have been brought before the European Court of Human Rights concerning the dissolution and refusal to register associations established by the persons belonging to Turkish Minority of Western Thrace, Greece:

35151/05 Bekir-Ousta and others, judgment of 11/10/2007, final on 11/01/2008
26698/05 Tourkiki Enosi Xanthis and others, judgment of 27/03/2008, final on 29/09/2008
34144/05 Emin and others, judgment of 27/03/08, final on 01/12/2008

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[1]The legal status of the Muslim minority is based on the Treaty of Lausanne of 1923 signed between Turkey and Greece. The obligations assumed by Greece under Section III of this Treaty which deal with the protection of minorities, include the following basic rights and liberties with a right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

[2] A/HRC/10/11/Add.3, p. 2, and paras. 83, 88 and 90.

These cases concern the dissolution or refusal to register the applicant associations by the competent courts on the sole basis of a suspicion that the applicants intended to promote the idea that an ethnic minority existed in Greece. On March 27, 2008, the ECtHR notified in writing its Chamber judgments in the cases of Emin and Others v. Greece (application no. 34144/05) and Tourkiki Enosis Xanthis and Others v. Greece (no. 26698/05). The Court held unanimously that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights in both cases, which concern associations founded by persons belonging to the Muslim minority of Western Thrace. In the case of Tourkiki Enosis Xanthis and Others the ECtHR also held, unanimously, that there had been a violation of Article 6 § 1 (right to a fair hearing within a reasonable time) of the Convention.

The European Court noted that the contested measure rested only on a simple suspicion concerning the true intentions of the founders of the association and concerning the actions that the association might pursue once it began to operate. The European Court also noted that even if the real aim of the associations was to promote the idea that an ethnic minority existed in Greece; this could not in itself constitute a threat to a democratic society.

Further to the European Court of Human Rights' judgments, the applicants requested the cancellation of the decision dissolving them (the case of Xanthi Turkish Union) or submitted a new registration of their associations before the national courts. The applications have been declared inadmissible on the ground that it is not possible to cancel a domestic decision which has become final in the context of non-contentious procedure following a judgment of the ECtHR, and that domestic law does not provide, in civil matters, for the reopening of proceedings following a finding of violation by the ECtHR. The Court of Cassation also dismissed on procedural grounds the applicants' appeals in cassation in the cases of Bekir-Ousta and others and Emin and others.

Council of Europe's Committee of Ministers closely follows the developments about the implementation of Court's judgments under the name of Bekir-Ousta group of cases against Greece since 2008. At the execution held on 5 December 2013(1186th meeting), the Committee of Ministers urged the Greek authorities to provide in due time concrete and tangible information on the measures that they are currently exploring in order to implement the individual measures, accompanied by an indicative calendar for their adoption.3 On 5 June 2014, the Committee of Ministers adopted an interim resolution and called upon the Greek authorities to take all necessary measures so that the applicants benefit from proceedings in compliance with the Convention requirements, in the light of the Court's case-law.

The Court declared on 5 January 2015 that it will rehear the cases of Bekir Ousta and others (35151/05), Emin and others (34144/05) and Turkish Association of Xanthi and others (26698/05) since Greece failed the implement the Court's decisions on Bekir Ousta group of cases. The Court reheard the three cases in July 2015; the decision of the Court is being awaited.

The Parliamentary Assembly of the Council of Europe (PACE) in its Autumn Session 2015 adopted a resolution deploring the persistent slowness in the implementation of decisions from the European Court of Human Rights (ECHR) and called for more firm measures. In its eighth report on the implementation of judgments of the European Court of Human Rights written by Klaas de Vries, Greece is one of the nine member states with the highest number of unenforced Court judgments with 558 cases which have not been implemented by the Greek authorities by the end of 2014.

In note verbal dated 29 May 20134 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights in relation to the written statement dated 10 May 2013 and submitted by the Federation of Western Thrace Turks in Europe (A/HRC/23/NGO/35), Greece noted that full implementation of the judgments is pending, due to procedural reasons. Greece noted that authorities are currently considering the most appropriate means and ways to implement the decisions, including possible legislative adjustments. We regret that the Greek authorities have failed to take any precise and concrete step. Given the time that has elapsed since the Court's judgments, we believe that the Greek authorities are, in fact, unwillingness to implement the Court's decisions.

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[3] https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/OJ/DH(2013)1186/10&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864

[4] http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/142/72/PDF/G1314272.pdf?OpenElement

We urge the Greek Government:

- To implement, without any further delay, the decisions of the European Court in the cases Turkish Association of Xanthis and Others v. Greece, Bekir Ousta and Others v. Greece & Emin and Others v. Greece;

- To reaffirm the commitment of the Greek authorities to implementing fully and completely the judgments of ECtHR and amend the Code of Civil Procedures in such a way that it allows the implementation of the European Court decisions in matters related to freedom of association.

- To improve diversity throughout the system and develop strategies that are inclusive of minorities which would be part of an overall governmental policy for the promotion and protection of minority rights in the country.

United Nations A/HRC/31/NGO/63

General Assembly

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19 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02534(E)

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The Human Rights Status of Palestinian Refugees

Mr. President, Distinguished Members of the Council,

The Palestinian Return Centre (PRC) is concerned about the devastating failure of international community to exert real pressure on Israel, the occupying power, to bring its actions in line with its obligations under international humanitarian law and UN resolutions.

The PRC would like to address the pressing issue of the Palestinian refugees' right to return. Although enshrined in international law since 1948, when the UNGA adopted resolution 194, the Palestinian right of return remains overlooked and marginal to the debate.

Multiple international treaties and conventions recognize the inviolable character of the right to return of refugees--including the Universal Declaration of Human Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and the International Convention on Civil and Political Rights. Humanitarian and human rights law and numerous UN resolutions all guarantee the right of return for refugees.

The critical importance of the Palestinian right of return cannot be understated. At a time of unrest in the Middle East, Palestinian refugees are particularly vulnerable in their host countries. Since 2011 the Syrian civil war has culminated in a further 360'000 Palestinians becoming displaced. As of February 2016, over 3,100 Palestinian refugees have been killed as a result of the conflict. The Yarmouk refugee camp used to house over 160,000 Palestinian refugees but the ongoing conflict and siege has reduced to 3'000.[1] Over 167 Palestinians have died of starvation as humanitarian assistance is almost non-existence. Residents of Yarmouk have been reported looking for food in garbage cans and eating grass leaves just to stay alive. The ongoing crisis has stifled UNRWA's resources. Nearly 100,000 Palestinians, which have fled Syria, are seeking safety in Europe.[2] Approximately 70 Palestinians, though the actual number is likely to be much higher, have been documented to drown in the sea whilst attempting to reach Europe on the so-called "death boats".

It is estimated that around 33,000 Palestinian refugees from Syria are currently residing in Lebanon. This has greatly exacerbated the terrible living conditions of the approximately 450,000 Palestinian refugees that already reside in Lebanon.[3] Two-thirds of Palestinian refugees in Lebanon are living in poverty mainly due to their legal status which prevents them from working in most professions. The limited rights afforded to Palestinians refugees in Lebanon clearly contravene international law. In addition, UNRWA's chronic funding problem is aggravating the dire living conditions of the camps and gatherings. This has also led to the increased migration to Europe.

Inside the occupied territories and Israel, Palestinians continue to suffer from Israel's illegal military occupation, colonial policies and apartheid government. An oscillation between policies of subjugation and moments of expulsion – and often both simultaneously– has characterised Israeli violence towards Palestinians since the state's very inception.

Increasing fragmentation of the West Bank, including East Jerusalem, by way of a combination of policies and practices including, but not limited to: the wall; the creation of seam zones; checkpoints; zoning and planning restrictions; demolition of homes and forced evictions (particularly of Bedouin communities in Area C); revocation of residency rights; the designation of vast tracts of land in the West Bank as closed military zones or natural reserves; and the expropriation of land for settler agriculture or industrial zones, may irreversibly disrupt the contiguity of the West Bank undermining the right of Palestinians to a state and to self-determination.[4]

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[1] http://www.actionpal.org.uk/en/.

[2] http://www.jpost.com/Middle-East/100000-Palestinians-have-fled-Syria-to-Europe-official-says-415395.

[3] http://www.unrwa.org/where-we-work/lebanon.

[4] https://richardfalk.wordpress.com/2014/03/05/december-2013-report-to-un-human-rights-council-on-occupied-palestine/.

The policies that effectively entail the expulsion of Palestinians –especially through the revocation of Palestinians' Jerusalem residency cards– continue apace even where there are no ongoing military operations.

In regards to the West Bank, a United Nations report released in September 2015 shows that in Area C currently there are more than 11,000 demolition orders outstanding, which will affect an estimated 13,000 Palestinian-owned structures, including homes.[5] The report comes in the context of a rise in demolitions in the West Bank, with 143 Palestinian structures having been demolished during August 2015 – the highest such number in five years. It is precisely these illegal policies that continue to displace Palestinians. This further reduces the possibility for the millions of refugees living outside of the oPT to return to their lands, which is a fundamental human right enjoyed and granted to the majority of the international community.

Furthermore, on January 25th 2016, Israel gave the green light for 153 new settler homes to be built in sensitive areas of the occupied West Bank, including the Ariel Carmel and Gush Etzion settlements.[6] The current Secretary General of the United Nations described Israel's settlement activities as "an affront to the Palestinian people and to the international community". About 400,000 Israeli settlers live in illegal settlements protected by the Israeli army in the occupied West Bank. Ban Ki Moon's statement is welcomed, though significant and effective policies that will improve the human rights of Palestinians appear noticeably absent.

Three wars in six years have caused enormous destruction in Gaza. The "51 Day War" in 2014 resulted in the death of approximately 1'500 Palestinian civilians displaced over 485'000 people and generated 1.2 million refugees.[7] According to UNRWA, at least 140,190 refugee homes were "impacted" by the fighting[8]. As Amnesty International[9] has reported, the evident and intentional disproportionate use of military force on the population of Gaza clearly amounts to war crimes for which perpetrators should be held accountable.

We therefore ask the Council to not just treat the symptoms (poverty, displacement, death) of Israel's policies. While Israel claims to be "the only democracy in the Middle East", many of its actions prove the contrary as it continues to deny Palestinians the possibility to enjoy their human rights. Former Special Rapporteur Richard Falk[10] has previously stated that Israel's prolonged siege on the Gaza Strip and illegal occupation of the West Bank and East Jerusalem clearly possess elements of "colonialism", "apartheid" and "ethnic cleansing" inconsistent with international humanitarian law in circumstances of belligerent occupation and unlawful abridgement of the right to self-determination of the Palestinian people. In light of this, the international community has an obligation to end the appalling status quo that Israel maintains.

Since UNRWA's inception, chronic funding issues have revealed fundamental deficiencies that the agency faces. The issue shouldn't be how the steady increase in demand for essential services can be met, but rather how this demand can be reduced. From analysing UNRWA's funding trends it is clear that the demand for services has increased exponentially. While the Syrian conflict that began in 2011 is a big part of this problem, Israel's role is at least equally significant. Particularly since the beginning of the Gaza blockade and Israel's attacks on the Strip, UNRWA has had to devolve a huge amount of its resources to deal with those emergencies, thus reducing its ability to provide the basic services it was accustomed to in other areas where it operates. There is an undeniable direct link between Israel's war crimes in the OPT and the suffering Palestinian refugees face in neighbouring Arab countries.

Considering the UN Human Rights Council's concern over the matter of Israel's occupation of the OPT, and the urgency to bring to the attention of the Security Council and General Assembly any matter which may threaten the

[5] https://www.ochaopt.org/demolitionos/demolition_orders_in_area_c_of_the_west_bank_en.pdf.
[6] http://www.alaraby.co.uk/english/news/2016/1/26/israel-approves-new-settler-homes-in-occupied-west-bank.
[7] http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/008/27/PDF/G1500827.pdf?OpenElement.
[8] http://www.aljazeera.com/news/2015/10/gaza-home-rebuilt-2014-israeli-war-151022143935336.html.
[9] http://://www.amnesty.org/en/latest/news/2015/07/gaza-cutting-edge-investigation-rafah/.
[10] https://richardfalk.wordpress.com/2014/03/05/december-2013-report-to-un-human-rights-council-on-occupied-palestine/.

maintenance of international peace and security, the Palestinian Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Call the host governments for Palestinian refugees in the region to uphold their duty under international law to confer them the rights to a decent life.
- Demand that Israel recognizes its responsibility for the Palestinian refugees' continued displacement for the past 68 years and accept their full repatriation to their place of origin which is guaranteed by international law and the related UN resolutions. This should include granting them financial and moral compensation for their loss.
- Reiterate the legitimacy of Palestinian refugees' right of return, as unequivocally stated in resolution 194 and in multiple international treaties and conventions.
- Carry an investigation assessing the human rights of the millions of Palestinians residing in refugee camps and gatherings outside the OTP, to be in included in the HRC annual report
- Take strong measures to bring to an end Israeli impunity and bring Israel to immediately lift the blockade of the Gaza Strip and cease collective punishment of Palestinians in the OPT, including East Jerusalem.
- Call on Israel to comply with IHL rules and norms including the investigation of and accountability for all violations in accordance with international standards;
- Reiterate that Israeli violations of IHL are rooted in Israel's prolonged military occupation of the OPT. Accountability must be pursued for all violations of human rights and humanitarian law, including attacks on medical personnel and infrastructure, during the 2014 attacks on Gaza.

United Nations A/HRC/31/NGO/64

General Assembly

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Human Rights Council
Thirty-first session
Agenda item 6
Universal Periodic Review

Written statement* submitted by International Commission of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02388(E)

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Universal Periodic Review of Nepal: Nepal's unfulfilled human rights obligations

Introduction

1. The International Commission of Jurists (ICJ) welcomes this opportunity to contribute to discussion of the human rights situation in Nepal, on the occasion of the adoption of its UPR outcome report by the Human Rights Council (HRC).

2. In this submission, the ICJ highlights issues concerning: i) the new Constitution and human rights obligations therein; ii) impunity and transitional justice mechanisms; iii) ongoing human rights violations during the border protests and blockade; and iv) failure to criminalize serious international crimes.

3. The submission notes continued non-implementation by the Government of Nepal (GoN) of international obligations relevant to many of the recommendations received during the current UPR cycle, including many that the GoN asserts are "already implemented or in the process of implementation", and others that are similar to recommendations Nepal already received during the 2011 UPR. It concludes with specific calls for further acceptance and implementation of the recommendations by GoN.

i) The new Constitution and human rights obligations

(Recommendations: supported 121.2, 121.16; supported "already implemented or in process" 122.2, 122.3, 122.67, 122.68, 122.69, 122.70)[1]

4. The new Constitution promulgated on 20 September 2015, and its first amendment endorsed on 23 January 2016, is a welcome step as it guarantees a wider range of rights, including both civil and political rights and economic, social and cultural rights, as fundamental rights. The ICJ released a detailed briefing paper in July 2015 analyzing the provisions of the draft constitution in light of Nepal's obligations under international human rights law.[2] However, some provisions of the new Constitution still do not conform to Nepal's obligations under international human rights law, including Nepali womens' right to pass on citizenship to their children as a matter of right, irrespective of the status of the father.

5. Several provisions of the Constitution improperly limit the guarantee of rights to citizens of Nepal, including right to equality (article 18), right to property (article 25), right to information (article 27), rights to clean environment (article 30), right to education (article 31), right to employment (article 33), right to health (article 35), right to food (article 36), right to housing (article 37), and right to social security (article 43). Similarly, non-citizens are not entitled to certain protections, including the right to justice (article 20) and in relation to preventive detention (article 23). Such limitations are in contravention of international human rights law; the rights in question must be extended to all persons under Nepal's jurisdiction. Furthermore, the right to constitutional remedy (article 46) does not sufficiently guarantee the right to an effective remedy and redress, including reparations, for victims of human rights violations.[3]

ii) Impunity and transitional Justice

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[1] See Report of the Working Group on the Universal Periodic Review: Nepal, UN Doc A7HRC/31/9 (23 December 2015).

[2] ICJ, *Nepal's Draft Constitution: Procedural and Substantive Concerns*, July 2015: http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2015/07/NEPAL-CONSTITUTION-ADVOCACY-ANALYSIS-BRIEFS-2015-ENG.pdf

[3] ICJ, "Nepal: Constituent Assembly must urgently revise Constitution Bill to guarantee human rights", http://www.icj.org/nepal-constituent-assembly-must-urgently-revise-constitution-bill-to-guarantee-human-rights/

(Recommendations: supported 121.28; supported "already implemented or in process" 122.4, 122.5, 122.61, 122.63 and 122.64; under review 123.28)

6. The promises of truth, justice and reparation to victims of the decade-long armed conflict remain unaddressed, and impunity for serious human rights violations continues. Despite Mandamus Orders by the Courts, the police authorities continue to refuse to register FIRs in conflict-era cases. Due to lack of political will and a weak criminal justice system, those cases that have been registered by the police are not investigated. Thus, victims are systematically denied their right to effective remedy and reparation.

7. On 10 February 2015, the GoN formed two transitional justice commissions, (a truth and reconciliation commission and a commission of inquiry on disappearance) to investigate past human rights abuses. However, due to lack of the trust between the Commissions and stakeholders, including conflict victims, the commissions have failed to perform their functions one year into their two-year mandate. Moreover, the Commissions have also failed to demonstrate any willingness to engage with victims, which weakens the transitional justice process.

iii) Ongoing human rights violations during the border protests and blockade

(Recommendations: supported "already implemented or in process" 122.1, 122.44 and 122.53)

8. *Madhesh* centric parties have been demonstrating against Nepal's new Constitution in the Terai since August 2015. Protesters have been raising their concerns over the new Constitution and staged a *de facto* blockade at the main Nepal-India border posts since the Constitution was adopted. More than 50 persons, including 10 police personnel, have been killed during violent confrontations that have erupted between protesters and security forces, with allegations of excessive use of force by Nepali security forces as well as violent attacks by protesters against police personnel. Nepali authorities have failed to investigate these alleged violations, and the security forces continue to use of excessive force against protesters. While the recent talks between *Madhesh* centric parties and the GoN is a welcome step, neither side has so far made a concrete effort to end the on-going protests and violence in Terai.

9. Furthermore, the associated border blockade has had an adverse impact on the economic and social rights of the people of Nepal, including the rights to food, water and sanitation, health and adequate housing, by causing severe shortages of essential commodities such as fuel, cooking gas and essential medical supplies throughout the country.

iv) Failure to criminalize serious crimes under international law

(Recommendations: supported 121.3, 121.4, 121.15; supported "already implemented or in process" 122.62; under review 123.10, 123.11, 123.12, 123.13, 123.14, 123.15, 123.16, 123.17, 123.18, 123.19, 123.20, 123.21, 123.22, 123.26, 123.27)

10. Many serious crimes under international law are yet to be criminalized under Nepali law. The Supreme Court (SC) has, in several instances, directed the GoN to reform domestic criminal law in order to ensure that serious crimes under international law such as enforced disappearance, torture, war crimes and crimes against humanity are criminalized domestically.[4]

11. On 3 November 2014, the Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs of Nepal tabled five bills including a Bill on the Penal Code to the Legislative-Parliament. The Penal Code Bill sets out numerous reforms to the laws contained in the National Code 1963 (*Muluki Ain* 2020). Amongst the key reforms, it aims to criminalize enforced disappearance, torture and genocide. However, other serious crimes under

[4] E.g. *Rabindra Dhakal on behalf of Rajendra Dhakal v. The Government of Nepal and others*; *Rajendra Ghimire et al v. Prime Minister and Office of the Council of Ministers and others*; and *Raja Ram Dhakal v. Office of the Prime Minister and others*.

international law such as war crimes and crimes against humanity remain unaddressed in these Bills. While these are significant steps on the part of the GoN to fulfill its obligations under international law, in their current form, the bills fall short of applicable international standards in a number of respects.

v) Standing invitation to Special Procedures

(Recommendations: not supported 124.9, 124.10, 124.11, 124.12, 124.13, 124.14)

12. Visits by Special Procedures such as the Working Group on Enforced and Involuntary Disappearances, Special Rapporteur on Torture, Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, could assist the process of meeting these obligations.

ICJ Recommendations

13. The ICJ calls upon the GoN to do the following:

Further acceptance of UPR recommendations

a) Accept, among others, UPR recommendations 123.10, 123.11, 123.12, 123.13, 123.14, 123.15, 123.16, 123.17, 123.18, 123.19, 123.20, 123.21, 123.22, 123.26, 123.27, 123.28, 124.9, 124.10, 124.11, 124.12, 124.13, 124.14.

Constitution

b) Amend the constitutional provisions in compliance with international human rights law and standards;

c) Conduct genuine consultations with protesting parties, minority parties, marginalized groups and all stakeholders, in order to build trust and ownership in the Constitution and government

Transitional justice

d) Amend the TRC Act, 2014, in line with international standards and the jurisprudence of the Supreme Court of Nepal;

e) Adopt consultative processes and address victim's concerns in order that conflict victims feel ownership over the transitional justice process in Nepal;

Ongoing human rights violations

f) Ensure that security forces refrain from the use of excessive force;

g) Ensure prompt, independent and impartial investigations and bring to justice all perpetrators, whether security forces or protesters, of any unlawful killings;

Serious crimes under international law

h) Ensure that gross violations of international human rights law, including torture and enforced disappearances, as well as other serious crimes under international law, such as war crimes and crimes against humanity, are explicitly prohibited as criminal offences under domestic law and that their definition in domestic legislation is in conformity with international law.

Standing invitation to special procedures

i) Issue standing invitations to all thematic special procedures of the HRC, including the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on Torture, Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.